



A MENDED  
COMPLAINT

CA. NO. 05-013 (GMS)

DATE: 10/3/05

Jimmie Lewis  
SBI# 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) Jimmie Lewis, SBI # 506622  
(Name of Plaintiff) (Inmate Number)

D.C.C., 1181 PADDOCK RD, SMYRNA, DE 19977  
(Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

(1) STANLEY TAYLOR, ET. AL,  
(2) SEE ATTACHED SHEET FOR  
(3) THE DEFENDANTS NAMES.  
(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

CA. NO. 05-051(GMS)

(Case Number)

( to be assigned by U.S. District Court)

**CIVIL COMPLAINT**

• • Jury Trial Requested

**I. PREVIOUS LAWSUITS**

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

04-1350 (GMS) 2004

04-1410 (GMS) 2004

05-013 (GMS) 2005

05-052 (GMS) 2005

LIST OF DEFENDANTS:

JIMMIE LEWIS,  
PLAINTIFF,

V.

STANLEY TAYLOR DELAWARE DEPARTMENT OF CORRECTIONS -  
COMMISSIONER, MAJOR DAVE WILLIAMS, D.C.C WARDEN -  
THOMAS L. CARROL, SGT MARY MOODY, CPL LISE M. MERSON,  
C/O TALENTI, C/O MS. NEWNAN, C/O MARK BLUE, C/O WAYMAN,  
C/O ARCHIE ARMSTRONG, DR. ALI, DR. ROGERS, DR. TOSHI,  
DR. BOSTON, DONALD NAPOLIN, FRED WAY, C/O D. YOUNG,  
C/O N. BORDLEY, SGT C. RICHARDS, CAPT BERGGRUN,  
CAPT MARK EMIG, DEBRA MUSKARELLI, P.A FISH,  
NURSE JEROMY, APRIL LYONNS, NURSE INNA, CAPT DAVID BAMFORD,  
LT. MITCHELL, CAPT PHILIP PARKER, LT. JOSEPH SABATO,  
PATRICK SHEETS, LT. SYLVIA FARMER, DR. ARUMBULO,  
GEORGIA SUTTON, H.R.Y.C.I WARDEN RAPHEL WILLIAMS,  
DEFENDANTS.

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • No
- C. If your answer to "B" is Yes:

1. What steps did you take? FILED GRIEVANCE IN ACCORDANCE TO  
GRIEVANCE PROCEDURE 4.4
2. What was the result? GRIEVANCES EITHER RETURNED AS NON-  
GRIEVABLE OR SIMPLY IGNORED.

- D. If your answer to "B" is No, explain why not: \_\_\_\_\_  
\_\_\_\_\_

## III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: SEE ATTACHED
- Employed as \_\_\_\_\_ at \_\_\_\_\_
- Mailing address with zip code: \_\_\_\_\_  
\_\_\_\_\_

- (2) Name of second defendant: SEE ATTACHED
- Employed as \_\_\_\_\_ at \_\_\_\_\_
- Mailing address with zip code: \_\_\_\_\_  
\_\_\_\_\_

- (3) Name of third defendant: SEE ATTACHED
- Employed as \_\_\_\_\_ at \_\_\_\_\_
- Mailing address with zip code: \_\_\_\_\_  
\_\_\_\_\_

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

#### IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. SEE ATTACHED.
2. " "
3. " "

#### V. RELIEF

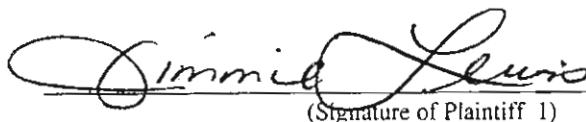
(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. PRELIMINARY INJUNCTION FOR A MRI, AND  
OR A CAT SCAN, AS WELL AS TO BE  
THOROUGHLY EXAMINED BY A RADIOLOGIST,  
AND TO RECEIVE PSYCHOTHERAPY FROM A  
PSYCHOLOGIST. AT A MENTAL HEALTH FACILITY.

2. DUE TO HARDSHIPS I EXPERIENCE, BECAUSE OF MY  
OUT OF STATE RESIDENCY STATUS, I SEEK ~~THE~~ AN  
INJUNCTION TO BE TRANSFERRED TO "TROSA" A PROGRAM  
IN N.C, THE STATE I WAS BORN IN, IN ORDER TO  
FORFILL THE CONDITIONS OF MY SENTENCE.
3. 20 MILLION DOLLARS FOR NOMINAL AND  
PUNITIVE DAMAGES ~~FOR~~ PAIN ~~&~~ SUFFERING.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3RD day of OCT, 2005.

  
\_\_\_\_\_

(Signature of Plaintiff 1)

\_\_\_\_\_  
(Signature of Plaintiff 2)

\_\_\_\_\_  
(Signature of Plaintiff 3)



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IV

STATEMENT

OF

CLAIM

DATE: 10/3/05

Jimmie Lewis  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977



(Paragraph # 1)

From May 2003 up until March 2005 I was subjected to being housed in the H.R.V.C.I infirmary's psych close observation room(s) # 196 & # 197, per Dr Jochi, when ever I was diagnosed as being psychotic. The rooms # 196 & # 197 are actually condemned cells, because there is no sink, no toilet, that grants the ability to properly disposed of bodily waste and or bodily fluids. This has caused the room(s) floors and walls to become saturated with feces, mucus, urine, blood that has caused my bladder and urinary track to become infected on more than (5) separate occasions.

The rooms are extremely hot in the summer, for which has caused me to become dehydrated on numerous occasions. I would request water from correctional officers Talenti, Ma Newman from the 8 to 4 shift, only to be repeatedly denied. I would request water from correctional officers Mark Blue from the 4 to 12 shift, only to be repeatedly denied. Said denials only exacerbated the bladder and urinary track infection that I contracted from the filthy unsanitary conditions of the infirmary's psych close observation rooms # 196 & # 197. Said %'s would also deny my every request to wash my hands with soap and water before meals were served.

(P.2 paragraph #1)

In the winter the rooms are extremely cold, and there is absolutely nothing provided for bedding. Due to the fact that it is protocol to strip patients of all clothing, for which is replaced by transparent paper gowns that tear as soon as you put it on! these factors caused my skin to come in contact with the freezing cold surfaces of the concrete platform; the plastic restraining harness, or the concrete floor. Being subjected to these conditions have exacerbated the psychological dilemmas that caused me to diagnosed as psychotic initially. I contemplated thoughts of suicide, as a form of relief from the extreme filth and extreme climates I was subjected to in room(s) #196 & #197.

The room(s) #196 & #197 have 3 by 2 feet windows, that put me on display like an animal in a zoo, for which gives reason for why I was mocked, ridiculed and slandered by patients and visitors who entered the area. I was subjected to these conditions for at least (30) different admissions.

- For (7) separate admissions for (1) week.
- For (10) separate admissions for (2) weeks.
- For (4) separate admissions for (3) weeks.
- For (1) separate admission for (4) weeks.
- For (8) separate admissions for (3) days.



(P.3 paragraph #1)

I was subjected to these conditions, even though the psych close observation rooms #196 & #197 aren't fit for human habitation, along with the fact that I was assessed for safety every (4) hours. Instead of being assessed for safety on a (4) hour basis, I was forced to wait 48 to 72 hours. This caused me atypical and significant hardship that affects me every day since!

I wrote correspondences to Rachel Williams, Stanley Taylor, Dr Borton, Dr Jochi, Georgia Sutton, Mr Fish, and April Lyons in there official capacity, but they either failed to act and or respond. I filed grievance in accordance to grievance procedure 4.4, but to no avail as well.

paragraph #1 define violations of my patient rights, as well as violations of my 8th and 14th U.S.C.A. paragraph #1 also defines violation of 10 conspiracy 11.DEL 513 and medical-malpractice.

see attached exhibits



( Paragraph # 2 )

C/O Talenti has deliberately interfered with the psychological rehabilitative treatment prescribed to me by psychiatrist Dr. Joshi, by writing (3) separate disciplinary infractions against me, while I was in the infirmary psych close observation room on P.C.O Level II status, without first consulting with Dr Joshi for a psychological assessment of competency and or first conducting a competency hearing. Said disciplinary reports caused me atypical and significant hardship of being subjected to disciplinary and or maximum housing units that do not provide adequate mental health treatment.

I wrote correspondences to Stanley Taylor, Rachel Williams, Dr Boston, Dane Williams, April Lyons and Capt Mark Emig in the official capacity, but they either failed to act and or respond. I filed grievance in accordance to grievance procedure 4.4, but to no avail as well.

Paragraph # 2 define violations of my patient rights, as well as violations of my 8TH and 14TH U.S.C.A.

Paragraph # 2 also define a violation of 1<sup>o</sup> conspiracy 11. DEL 513  
see attached exhibits



## (Paragraph # 3)

During the course of my admissions in the infirmary's psych close observation room(s) #196 & #197, dating from May 2003 up until March 2005, I contracted the flu on (3) separate occasions, along with my bladder and urinary track becoming infected on more than (5) separate occasions. When ever I became ill, I would try to obtain medical treatment from nurse Diane Hernandez, nurse Anna, nurse Jeremy and P.A Fish would deny my every request, giving me instructions to submit a sick call pliz, knowing very well that the PCO II psych observation policy prohibits me from obtaining paper, pen and pencil. Said denials caused me atypical and significant hardship that still affect me every day since.

I wrote correspondence to Stanley Taylor, Rachel Williams, P.A Fish, Georgia Putton, April Lyons in there official capacity, but they either failed to act or respond. I filed grievance also, but to no avail as well.

Paragraph # 3 define violations of my patient rights, as well as violations of my 8TH and 14TH U.S.C.A. Paragraph # 3 also define violations of 1. conspiracy 11. DEL 513, medical malpractice. see attached exhibits

## (Paragraph # 4)

Officer Wayman has on numerous occasions denied me adequate time with the doctor, specifically

Dr. Akumbuso, when ever I was scheduled for a visit, Officer Wayman would come to my assigned housing unit five to ten minutes before institutional count time, push me down to the doctors office, then less than (2) minutes later abruptly end my doctors visit before I would be able to receive proper treatment and or consultation. This would cause me to submit sick call slips repeatedly, due to the exact situation occurring over and over again.

Said denials caused me atypical and significant hardship, that still affect me every day since.

I wrote correspondences to Stanley Taylor, Raphael Williams, Georgia Button, April Lyons, in there official capacity, but they either failed to act or respond. I filed grievance also but to no avail.

Paragraph # 4 define violations of my 8TH and 14TH U.S.C.A. paragraph # 4 also defines violation of conspiracy 11. DEL 513.

See attached exhibits



(Paragraph # 5)

While prescribed to be on psych close observation P.C.O Level II status, the time had come for me to file application for certification to the Supreme Court; so I informed % Talenti that I needed the paralegal, Talenti notified Capt Mark Emig, Capt Mark Emig notified the mental health care ~~center~~ counselor Donald Nagolin, Donald Nagolin notified P.A Fish. P.A Fish not only refused to allow the paralegal to assist me, but P.A Fish wrote a memorandum that actually prohibited my receiving and or sending legal mail while I was in the infirmary. Said denials have caused me atypical and significant hardship.

I wrote correspondence to Stanley Taylor, Rachel Williams, Georgia Putton, Dr Boston in there official capacity, but they either failed to act or respond. I filed grievance also, but to no avail.

Paragraph # 5 define violations of my 6<sup>TH</sup>, 8<sup>TH</sup> and 14<sup>TH</sup> U.S.C.A.

see attached exhibits



## (Paragraph # 6)

Dr. Arumbaro has interfered with and deliberately denied me what was prescribed to me by Cardiologist Dr. Paul C. Penrock.

On Feb 8, 2005 Dr Penrock prescribed that I get my blood pressure checked (3) times a week until my blood pressure was stabilized and safe.

This prescription was prescribed to me after participating in a stress test, due to abnormal E.K.G reading that called for me to be prescribed Nitroglycerin on (2) separate occasions. Said denial has caused me atypical and significant hardship that still affect me each and every day.

I wrote correspondences to Stanley Taylor, Rachel Williams, Georgia Putton, April Lyons in there official capacity, but they either failed to act or respond. I filed grievance, but to no avail.

Paragraph # 6 defines violations of my patient rights, medical malpractice, and violations of my 8TH and 14TH U.S.C.A

see attached exhibits

(Paragraph # 7)

On five (5) different occasions Dr Aramburo has prescribed me the anti-biotic "Bactrim" for re-occurring bladder and urinary track infections. Subsequently, I was transferred to the Delaware Psychiatric Center and Dr Foster prescribed a urology examination, but before the urology examination was conducted, I was transferred back into the custody of the (D.O.C) along with my medical records. I informed Dr. Aramburo that Dr Foster prescribed a urology examination, ~~he~~ and Dr Aramburo thereafter agreed with the consultation by a urologist and submitted a referral, but Dr Ali denied the referral?

Subsequently to receiving treatment I was transferred again, but to the Delaware Correctional Center (D.C.C.) at which time Dr Rogers was informed of the course of events, but to no avail.

I wrote correspondences to Stanley Taylor, Rachel Williams, Georgia Patton, April Lyons, and Thomas L. Carol, but they either failed to act or respond. I also filed grievances, but to no avail as well. Said denial has caused me a typical and significant hardship that still affects me each and every day.



(P.2 cont paragraph # 7)

Paragraph # 7 defines violations of my patient rights, medical malpractice and violations of my 8TH and 14TH U.S.C.A.  
see attached exhibits.

(Paragraph # 8)

- mental health care personnel, Debra Muscarelli, utilized the two way intercom system to eavesdrop and spy on me during my pre-trial confinement on the mental health pod. Debra Muscarelli's spying on me caused me to become paranoid, delusional and psychotic. Said conduct caused me atypical and significant hardship that still affects me ~~the~~ each and every day.

I wrote correspondences to Stanley Taylor, Rachel Williams, and Dr. Booton, but they either failed to act or respond. I also filed grievance, but to no avail as well.

Paragraph # 8 defines violations of my patient rights, medical malpractice as well as violations of my 1ST, 8TH and 14TH U.S.C.A.

see attached exhibits.

(Paragraph # 9)

% D. Young has deliberately interfered with the psychological rehabilitative treatment prescribed to me by psychiatrist Dr. Joshi, by writing a disciplinary infraction against me while I was in the H.R.V.C.I infirmary psych close observation room on PCO Level II status, without first consulting with Dr Joshi for a psychological assessment of competency and or first conducting a competency hearing. Said disciplinary report caused me atypical and significant hardship of being subjected to disciplinary and or maximum housing units that do not provide adequate mental health treatment or a higher level of quality of life status that would allow me work credits and or work release status.

I wrote correspondences to Stanley Taylor, Rachel Williams, Dr. Boston, Dave Williams, Capt Berggren, but they either failed to act and or respond. I also wrote grievance in accordance to grievance procedure 4.4, but to no avail.

Paragraph # 9 defines violations of my patient rights, as well as violations of my 8TH and 14TH U.S.C.A

See attached exhibits



(Paragraph # 10)

C/O N. Bordley has deliberately interfered with the psychological rehabilitative treatment prescribed to me by psychiatrist Dr Jochi, by writing a disciplinary infraction against me while I was in the H.R.Y.C.I infirmary's psych close observation room on P.C.O level II status, without first consulting with Dr Jochi for a psychological assessment of competency and or first conducting a competency hearing. Said disciplinary report caused me atypical and significant hardship of being subjected to disciplinary and or maximum housing units that do not provide adequate mental health treatment or a higher level of quality of life status that would allow me work credits and or work release status.

I wrote correspondences to Stanley Taylor, Rachel Williams, Dr Boston, Dave Williams, Capt Mark Emig, but they either failed to act and or respond. I also wrote grievance in accordance in ~~under~~ grievance procedure 4.4, but to no avail.

Paragraph # 9 defines violations of my patient rights, as well as violations of my 8TH and 14TH U.S.C.A.

see attached exhibits

## (Paragraph # 11)

C/O D. Carlock has deliberately interfered with the psychological rehabilitative treatment prescribed to me by psychiatrist Dr. Joshi, by writing a disciplinary infraction against me while I was in the H.R.V.C.I infirmary psych close observation room on PCO level II status, without first consulting with Dr. Joshi for a psychological assessment of competency and or first conducting a competency hearing. Said disciplinary report caused me atypical and significant hardship of being subjected to disciplinary and or maximum security housing units, that do not provide adequate mental health treatment or a higher level of quality of life status that would allow me work credits and or work release status.

I wrote correspondences to Stanley Taylor, Raykel Williams, Dr. Booton, Dave Williams, Capt David Bamford, but they either failed to act and or respond. I also wrote grievance in accordance to grievance procedure 4.4, but to no avail.

paragraph # 11 defined violations of my patient rights, as well as violations of my 8TH and 14TH U.S.C.A

see attached exhibits